



**October 12, 2011**  
**REGULAR BOARD MEETING**  
**ADOPTED MINUTES**  
*CLOSED SESSION – 6:00 p.m. – 7:00 p.m.*  
*PUBLIC SESSION – 7:00 p.m.*  
**DISTRICT OFFICE**  
**BOARDROOM**  
**292 Green Valley Road**  
**Watsonville, CA 95076**

**1.0 CLOSED SESSION OPENING CEREMONY IN OPEN SESSION – 6:00 P.M.**

**1.1 Call to Order**

Acting president Keegan called the meeting of the Board to order at 6:06 pm at 292 Green Valley Road, Watsonville, CA.

**1.2 Public comments on closed session agenda.**

None.

**2.0 CLOSED SESSION (AND AFTER REGULAR SESSION IF NECESSARY)**

**2.1 Public Employee Appointment/Employment, Government Code Section 54957**

- a. Certificated Employees**
- b. Classified Employees**

<b>New Substitutes</b>	
18	Teachers
<b>New Hires</b>	
15-14	Primary Teachers
12-11	Secondary Teachers
<b>Rehires</b>	
1	Secondary Teacher
<b>Transfers</b>	
1	Special Education Teacher
1	Primary Teacher
1	Secondary Teacher
<b>Extra Pay Assignments</b>	
19	Department Chairs
<b>Leaves of Absence</b>	
1	Translator
1	Health Services Assistant
1	Registration Specialist I
1	Primary Teacher
1	Secondary Teacher

1	Speech & Language Specialist
<b>Retirements</b>	
	None
<b>Resignations/Terminations</b>	
1	Payroll Technician
<b>Supplemental Service Agreements</b>	
47	Primary Teachers
18	Secondary Teachers
24	Migrant Education Teachers
1	Special Ed Teachers
72	Technology Teachers
1	Education Services Teachers
<b>Miscellaneous Actions</b>	
	None
<b>Separations From Service</b>	
1	Career Development Specialist I
<b>Limited Term – Projects</b>	
6	Instructional Assistant – General
1	Enrichment Specialist
<b>Exempt</b>	
4	Babysitter
15	Pupils
41	Student Helper
35	Workability
6	Yard Duty Supervisor
<b>Provisional</b>	
	None
<b><i>Change of Funding</i></b>	
1	<i>Primary Teacher</i>

**2.2 Public Employee Discipline/Dismissal/Release/Leaves**

**2.3 Negotiations Update**

- a. CSEA
- b. PVFT
- c. Unrepresented Units: Management and Confidential
- d. Substitutes – Communication Workers of America (CWA)

**2.4 Claims for Damages**

- 2.5 Pending Litigation**
- 2.6 Anticipated Litigation**
- 2.7 Real Property Negotiations**
- 2.8 9 Expulsions**

**3.0 OPENING CEREMONY – MEETING OF THE BOARD IN PUBLIC - 7:00 P.M.**

Acting president Keegan called the meeting of the Board in public to order at 7:10 pm.

**3.1 Pledge of Allegiance**

Trustee Yahiro led the Board in the Pledge of Allegiance.

**3.2 Welcome by Board Acting President**

Trustees Leslie De Rose, Kim De Serpa, Sandra Nichols, Karen Osmundson, Jeff Ursino, Willie Yahiro and Acting President Doug Keegan were present.

**3.3 Superintendent Comments**

Dorma Baker welcomed everyone to the meeting, noting the recognition of the educator and classified employee of the month was an exciting piece of the meeting. She thanked student trustees for being at meeting and representing their high school. She reminded all about maintaining respect as the Board addressed the difficult items on the agenda.

**3.4 Brecek & Young Financial - Teacher of the Month Award  
- Mike Donegan, Rolling Hills Middle School**

Jacob Young spoke of the program, now in its third year, its process and how positive it is to honor people who do so much for the students. He introduced Mike Donegan, teacher at Rolling Hills School and the first recipient of the educator of the month award for 2011-12.

Rick Ito, principal, stated that Mr. Donegan is a teacher who does everything: yearbook, after school program, works with English Language students, assists with technology issues, all while making great connections with students and staff. Mr. Ito said he was honored to be part of giving Mr. Donegan this award.

**3.5 Brecek & Young Financial – Classified Employee of the Month Award  
- Herlindo Fernandez, Groundskeeper, Maintenance & Operations**

Acting president Keegan corrected Herlindo Fernandez's title as Energy Management Technician.

Steve Okamura, Energy Education Manager, spoke of Mr. Fernandez's role in the energy management program role for about a year. He noted that Herlindo is always willing to help the team out and he's done a great job in his position. Mr. Rick Mullikin, M & O Director, was also present to recognize him.

**4.0 APPROVAL OF THE AGENDA**

Trustee Nichols moved to approve the agenda. Trustee De Serpa seconded the motion. The motion passed unanimously.

**5.0 APPROVAL OF MINUTES**

***a) Minutes for September 28, 2011***

Trustee Nichols moved to approve the minutes for September 28, 2011. Trustee Ursino seconded the motion. The motion passed 6/0/1 (Yahiro abstained).

**6.0 HIGH SCHOOL STUDENTS BOARD REPRESENTATIVES REPORT**

Bianca Ornelas and Breanna Salgado of Watsonville High School, commented on home coming, on the issue of facility cleanliness due to lack of custodial help, especially bathrooms, and encouraged students to apply for free and reduced lunch to qualify for financial opportunities for the school and students.

Mayra Gonzalez and Anthony Barrios of Pajaro Valley High School, commented on their rally celebrating Fall sports, they announced homecoming queen and king. Some students of the Interact Club attended the Leadership Conference in Cupertino; the club's international project was defined: "Pennies for Change". The students commented on the success of the National Coming Out Day on Tuesday, an event put together by the Gays Straight Alliance group in school, where students and staff participated.

Fernando C. Huerta of Renaissance High School, commented on the California High School Exit Exam, a trip to visit UCSC, the benefits of community work, and the success of a class on ballet folklorico taught by teacher Graciela Vega. He also mentioned that the school was running out of school lunches during lunch.

Aaryn Ashworth and Sarah Dahel of Aptos High School, reported on homecoming week and gave a sports update. The school theatre department will present their Fall plays soon. The school is celebrating high test scores and planning a fun Halloween celebration.

## **7.0 VISITOR NON-AGENDA ITEMS**

Lowell Hurst, community member, spoke about agricultural education and the need to improve the agriculture department at Watsonville High School. Suggested having an Agriculture Advisory committee to discuss and recommend improvements to the program.

Jack Carroll, teacher, noted that the Report and Discussion section on the agenda is blank and no discussion should take place under that section.

Bill Beecher, community member, remarked that while high school students are complaining about the facilities PVFT is not speaking up. He spoke about the union's polling process and how he's skeptic about the effectiveness of the polls if they are unwilling to share actual numbers of staff participation.

## **8.0 EMPLOYEE ORGANIZATIONS COMMENTS – PVFT, CSEA, PVAM, CWA 5 Min. Each**

Jenn Laskin, PVFT Vice President, commented about facilities, especially older ones involving mold and construction. She noted that the union has been working through the Williams Complaint process to voice those concerns. She stated that the union and Human Resources were successful in auditing some temporary positions and 55 contracts will be converted from temporary to permanent. Renaissance High School welcomed Fiona Ma, Luis Alejo and other representatives to hear and discuss with students issues about organic farming. Jen concluded by stating that the union site representatives had unanimously passed a resolution in support of trustee Osmundson remaining in her seat as at trustee.

Ulli Kummerow, PVAM, spoke of the recent school summits and the positive outcome of those meetings. It was an opportunity to learn from one another about how sites get funding and how they do fundraising. While all sites have felt the budget reductions, it was a reminder that we were in this together.

## **9.0 CONSENT AGENDA**

Trustee Yahiro moved to approve the consent agenda.

Dorma Baker spoke a bit of the Williams complaint report, stating the process of how a complaint would qualify to fall under the Williams legislation.

Trustee DeRose seconded the motion. The motion passed unanimously.

### **9.1 Purchase Orders September 22 – October 5, 2011.**

### **9.2 Warrants September 22 – October 5, 2011.**

**9.3 Accept with Gratitude Donation from Carolyn Hyatt of an iMac for Mar Vista Elementary School, an Estimated Value of \$1,000.**

**9.4 Approve Williams Uniform Complaint Quarterly Report for July – September 2011. Number of complaints: zero.**

**10.0 DEFERRED CONSENT ITEMS**  
None.

**11.0 REPORT AND DISCUSSION ITEMS**  
None.

**12.0 REPORT, DISCUSSION AND POSSIBLE ACTION ITEMS**

**12.1 Report, discussion and Possible Action on Trustee Area III Residency.**  
*Report by Brett McFadden, CBO.*

Dorma Baker prefaced this item by noting that the intent is to have the Board discuss its legal responsibility pertaining to boundaries.

Brett McFadden introduced Tom Manniello, an attorney with Lozano Smith. Brett noted that the item would address school attendance boundaries versus district legal boundaries; in addition, the concept of permanent versus temporary residency for trustees will be discussed given the letter received by trustee Osmundson claiming her new address is temporary. The issue of accuracy of the boundary in Trustee Area III was corroborated by the following government and public agencies: Santa Cruz County Office of Education, Monterey County Office of Education, North Monterey County Unified School District, San Juan Unified School District, Santa Cruz County Elections, Monterey County Elections, Monterey County Treasurer/Tax Collector, and the Monterey County Assessor. The agencies confirmed that the address in question is outside the political boundary of the district. Addressing a concern regarding TAIII's predecessor, Dan Hankemeier, Brett reported that staff found no evidence that the district's southern legal boundary was altered after the Aromas succession from the district in the 1980s and this finding was confirmed by the corresponding government agencies. It was also confirmed that the legal boundaries of Monterey County Office of Education and the North Monterey County Unified School District are congruent to PVUSD's southern boundary.

Tom Manniello began his presentation stating that if there had been any changes to the district boundaries there would be much paperwork confirming but none was found. Regarding political versus attendance boundaries, Mr. Manniello stated that political boundaries give boards jurisdiction but they are not subject to Board control. Attendance area boundaries, on the other hand, are under the control of the district but are legally irrelevant for determining eligibility for Board membership. The political boundaries are defined and approved by the County Committee on School District Organization. At this point, the district's attendance areas encroach the NMUSD area and this is something that has to be addressed and resolved by both districts.

Regarding the issue of permanent versus temporary residency, Manniello noted that most instances involve persons with two separate residences where one is the person's domicile. When temporary residence is claimed, the focus is on the intent and whether the person intends to not remain in that temporary residence. He cited a case regarding transient residency where it was upheld that a person can claim their prior domicile until a new domicile is obtained. If the trustee area is deemed vacant by the Board, the trustee does have the ability to seek an investigation through the State Attorney General's office or through quo warranto proceedings; the downside of this process is that the losing party has to pay the cost of the action and the District would just be a bystander.

The next step for the board is to determine whether a vacancy exists on the Board. If this action is taken, the Board would need to decide on a provisional appointment within 60 days or to proceed with a special election to fill the position.

Board participated with comments and questions.

#### Public Comment

Lowell Hurst, community member, spoke of his experience in elections and stated that the decision is an interesting moral one that needs to keep in mind the covenant with the voters of the area. He added that it would not be appropriate to dismiss a minority member of the board.

Ann Veronica Coyle and Joleigh Kambic, Adult Ed staff, stated that the situation results from errors made in attendance area maps created many years ago that perpetuated the mistake through the years. It is the board's moral responsibility to find a solution that is just and fair. Trustee Osmundson should continue to serve the people who elected her.

Robert Teran, attorney representing trustee Osmundson, spoke about intent noting that Osmundson was legally elected as a trustee, that the property she moved from is within the district boundaries and it is still under her name, it is also her voting residency and her driver's license still has that address. He suggested forming a committee to evaluate the issue and not rush to judgment. He added that the Board has a strong duty to protect everyone's right to be a member of the agency.

Jack Carroll, Adult Ed staff, spoke of Osmundson's intent, noting that she has a month to month tenancy and has not signed a lease. He mentioned that Superintendent Baker had said that the attendance maps and political maps have to match; there is a choice of shrinking or altering the political boundaries. Shrinking will cost the district ADA and transportation already has a route to that area of San Miguel Canyon Road.

Alex Solano, community member, commented that he'd served on the board and a similar situation happened in the late 70's where a trustee built a house a couple of blocks away from the boundary. She was asked to step down and she did. She made a mistake and didn't check with the right agencies either.

Peter Nichols, community member, commented that Mr. Solano's intent in bringing that issue up is that his daughter lost to Osmundson on the last election.

Board participated with comments and questions and were concerned about the 60 day limit.

Tom Manniello mentioned that the Board is not restricted to discussing the issue again. The Board can make a provisional appointment within 60 days of vacancy; however, until the board declares a vacancy one doesn't exist. Manniello cautioned the Board the district may be challenged since the situation of a possible vacancy was made public on September 23<sup>rd</sup>, when the board packet with this information was distributed. If there is a successful challenge, the board may not be able to make an appointment but would still be able to call an election.

Trustee Yahiro moved to declare the seat vacant and proceed with the 60 day application process for all applicants that want to fill that seat because of change of domicile. Trustee DeRose seconded the motion.

Board participated with comments.

After some comments regarding the letter trustee Osmundson presented regarding her current residence being temporary, trustees Yahiro and DeRose withdrew their motion.

Board participated with comments and focused on the intent of trustee Osmundson, which was never to leave her post or the trustee area.

Trustee De Serpa moved to table the issue and have staff set this item on the agenda either by December 7 or by special meeting no later than December 10 and if trustee Osmundson has not moved

back into the area the Board could declare a vacancy and proceed with provisional appointment. Trustee Ursino seconded the motion.

The Board participated with additional comments.

The motion passed unanimously.

### **13.0 ACTION ON CLOSED SESSION**

#### **2.8 9 Expulsions**

##### ***Action on Expulsions***

Trustee DeRose moved to approve the Administrative Panel recommendation for the following expulsion case:

##### ***11-12-004***

Trustee De Serpa seconded the motion. The motion passed 5/0/2 (Yahiro, Nichols absent from seat).

Trustee DeRose moved to reject the waived administrative hearing and to order a hearing for the following expulsion case:

##### ***11-12-007***

Trustee Ursino seconded the motion. The motion passed 5/1/1 (Keegan dissented; Yahiro absent from his seat).

Trustee DeRose moved to approve the District Administration recommendation for the following expulsion case:

##### ***11-12-010***

Trustee Ursino seconded the motion. The motion passed 5/1/1 (Keegan dissented; Yahiro absent from his seat).

Trustee DeRose moved to approve the District Administration recommendation with a correction the case heading as "Administrative Hearing Waiver Summary" for the following expulsion case:

##### ***11-12-012***

Trustee Osmundson seconded the motion. The motion passed 6/0/1 (Yahiro absent from his seat).

Trustee DeRose moved to approve the District Administration recommendation for the following expulsion case:

##### ***11-12-016***

Trustee De Serpa seconded the motion. The motion passed unanimously.

Trustee DeRose moved to approve the District Administration recommendation for the following expulsion case:

##### ***11-12-017***

Trustee Ursino seconded the motion. The motion passed unanimously.

Trustee DeRose moved to approve the District Administration recommendation for the following expulsion case:

##### ***11-12-018***

Trustee Yahiro seconded the motion. The motion passed unanimously.

Trustee DeRose moved to approve the District Administration recommendation for the following expulsion case:

##### ***11-12-019***

Trustee Yahiro seconded the motion. The motion passed unanimously.

Trustee DeRose moved to approve the District Administration recommendation for the following expulsion case:

**11-12-020**

Trustee Ursino seconded the motion. The motion passed unanimously.

**2.1 Public Employee Appointment/Employment, Government Code Section 54957**

**a. Certificated Employees**

Trustee Nichols moved to approve the certificated employees report with the following changes: minus 2 secondary teachers and minus 1 primary teacher under new hires; addition of 2 secondary teachers under transfer; and 1 primary teacher under change of funding. Trustee DeRose seconded the motion. The motion passed unanimously.

**b. Classified Employees**

Trustee Nichols moved to approve the classified employee report with the addition of 1 payroll technician under resignation. Trustee DeRose seconded the motion. The motion passed unanimously.

**14.0 GOVERNING BOARD COMMENTS/REPORTS**

Trustee Nichols commented that the Board had to deal with a difficult item and civil behavior was maintained. She said it was great to be part of a team that works well with each other.

Trustee Yahiro commented on the football season and the annual Belgard Cup to support PVHS and WHS. He noted that AHS is having a fine year.

Trustee De Serpa commented on the student trustees' reports where it was noted that the high schools seem to be in disrepair; she would like to bring to the board what it might look like financially to put that needed help back into the campuses so that they can be in an acceptable state.

**15.0 UPCOMING BOARD MEETINGS/REMAINING BOARD MEETINGS FOR 2011**

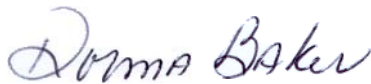
**All meetings, unless otherwise noted, take place at the District Office Boardroom, 292 Green Valley Road, Watsonville, CA. Closed Session begins at 6:00 pm; Open Session begins at 7:00 pm.**

Trustee DeRose moved to add a tentative special board meeting on Saturday, December 10<sup>th</sup> to discuss Trustee Area III residency issue if necessary. Trustee Nichols seconded the motion. The motion passed unanimously.

		Comment
October	▪ 26	
November	▪ 16	▪
December	▪ 7 Annual Organization Mtg.	▪ Approve 1 <sup>st</sup> Interim Report

**16.0 ADJOURNMENT**

There being no further business to discuss, the meeting of the Board was adjourned at 10:23 pm.



Dorma Baker, Superintendent